
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 172 Session of
2017

INTRODUCED BY ARGALL, SCHWANK, VULAKOVICH, SCAVELLO, BREWSTER,
TARTAGLIONE, COSTA, YUDICHAK, RAFFERTY, BARTOLOTTA, BROWNE,
REGAN AND BLAKE, JANUARY 23, 2017

AMENDMENTS TO SENATE AMENDMENTS, HOUSE OF REPRESENTATIVES,
SEPTEMBER 25, 2018

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in general provisions, further providing for
3 definitions; and, in rules of the road in general, further
4 providing for speed timing devices and providing for
5 automated speed enforcement systems in active work zones and
6 establishing a pilot program for automated speed enforcement
7 system on designated highway.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Section 102 of Title 75 of the Pennsylvania
11 Consolidated Statutes is amended by adding definitions to read:

12 § 102. Definitions.

13 Subject to additional definitions contained in subsequent
14 provisions of this title which are applicable to specific
15 provisions of this title, the following words and phrases when
16 used in this title shall have, unless the context clearly
17 indicates otherwise, the meanings given to them in this section:

18 * * *

1 "Automated speed enforcement system." An electronic traffic
2 sensor system that:

3 (1) is able to automatically detect vehicles exceeding
4 the posted speed limit with a type of speed timing device;

5 (2) produces a recorded image that shows:

6 (i) a clear and legible identification of only the
7 vehicle's license plate;

8 (ii) location; and

9 (iii) date and time.

10 "Automated speed enforcement work area." The portion of an
11 active work zone where construction, maintenance or utility
12 workers are located on the roadway, berm or shoulder and workers
13 are adjacent to an active travel lane and where an automated
14 speed enforcement system is active. For the purposes of this
15 definition, workers shall also be considered adjacent to an
16 active travel lane where workers are present and are protected
17 by a traffic barricade.

18 * * *

19 Section 2. Section 3368(c)(2) of Title 75 is amended,
20 subsection (c) is amended by adding a paragraph and the section
21 is amended by adding a subsection to read:

22 § 3368. Speed timing devices.--

23 * * *

24 (c) Mechanical, electrical and electronic devices
25 authorized.--

26 * * *

27 (2) Except as otherwise provided in paragraph (3),
28 electronic devices such as radio-microwave devices
29 [(commonly], commonly referred to as electronic speed meters
30 or [radar)] radar, may be used only as part of an automated

1 speed enforcement system or by members of the Pennsylvania
2 State Police.

3 * * *

4 (5) Light detection and ranging devices, commonly
5 referred to as LIDAR, may be used only as part of an
6 automated speed enforcement system or by members of the
7 Pennsylvania State Police.

8 * * *

9 (f) LIDAR testing and calibration.--

10 (1) The department may, upon publication in the
11 Pennsylvania Bulletin, provide that LIDAR speed measuring
12 devices and LIDAR systems shall be calibrated and tested
13 using the testing procedures in department regulation.

14 (2) LIDAR speed measuring devices and LIDAR systems
15 shall be calibrated and tested every 365 days at a minimum
16 before being utilized by the Pennsylvania State Police or as
17 part of an automated speed enforcement system.

18 (3) The certification that the LIDAR device and system,
19 as applicable, have been tested and found to be accurate
20 shall create a presumption that the requirements of this
21 subsection have been fulfilled.

22 (4) As used in this subsection, the following words and
23 phrases shall have the meanings given to them in this
24 paragraph unless the context clearly indicates otherwise:

25 "LIDAR." The technology of measuring target range using
26 reflected light to determine target range and speed from the
27 time-of-flight of laser pulses.

28 "LIDAR speed-measuring device." Speed-measuring
29 equipment that determines target range and speed based on the
30 time-of-flight of laser light pulses reflected off a target.

1 "LIDAR system." A LIDAR speed-measuring device that
2 incorporates additional equipment that is used to gather,
3 process and record images, as applicable, to be used as part
4 of speed enforcement efforts.

5 Section 3. Title 75 is amended by adding sections to read:

6 § 3369. Automated speed enforcement systems in active work
7 zones.

8 (a) Establishment.--A program is established to provide for
9 automated speed enforcement systems in active work zones.

10 (b) Applicability.--This section shall apply to Federal aid
11 highways only under the jurisdiction of the department and the
12 Pennsylvania Turnpike Commission. An automated speed enforcement
13 system may not be used unless:

14 (1) At least two appropriate warning signs are
15 conspicuously placed before the active work zone notifying
16 the public that an automated speed enforcement device is in
17 use.

18 (2) AT LEAST ONE OF THE SIGNS INDICATE IF THE AUTOMATED <--
19 SPEED ENFORCEMENT SYSTEM IS ACTIVE OR NOT ACTIVE.

20 (3) AN APPROPRIATE SIGN IS CONSPICUOUSLY PLACED AT THE
21 END OF THE ACTIVE WORK ZONE.

22 ~~(2)~~ (4) A notice identifying the location of the <--
23 automated speed enforcement system is posted at the active
24 work zone and on the department's or Pennsylvania Turnpike
25 Commission's publicly accessible Internet website. The notice
26 on the websites shall remain throughout the period of use.

27 (c) Liability.--Driving in excess of the posted speed limit
28 in an automated speed enforcement work area by at least 11 miles
29 per hour is a violation of this section.

30 (c.1) Owner liability.--For each violation under this

1 section, the owner of the vehicle shall be liable for the
2 penalty imposed unless the owner is convicted of the same
3 violation under another provision of this title or has a defense
4 under subsection (g).

5 (d) Notice of violation.--

6 (1) (i) An action to enforce this section shall be
7 initiated by an administrative notice of violation to the
8 registered owner of a vehicle identified by an automated
9 speed enforcement system as violating this section. A
10 notice of violation based upon inspection of recorded
11 images produced by an automated speed enforcement system
12 and sworn or affirmed by an authorized member of the
13 Pennsylvania State Police shall be prima facie evidence
14 of the facts contained in the notice. The Pennsylvania
15 State Police shall receive certification from the
16 department, the Pennsylvania Turnpike Commission or the
17 system administrator when an automated speed enforcement
18 system is active in accordance with subsection (b).

19 (ii) The notice of violation must include written
20 verification that the automated speed enforcement system
21 was operating correctly at the time of the alleged
22 violation and the date of the most recent inspection that
23 confirms the automated speed enforcement system to be
24 operating properly.

25 (iii) An automated speed enforcement system operator
26 shall complete training offered by the manufacturer of
27 the automated speed enforcement system, including
28 training on any devices critical to the operation of the
29 system, or the manufacturer's representative in the
30 procedures for setting up, testing and operating an

1 automated speed enforcement system. Upon completion of
2 the training, the manufacturer or manufacturer's
3 representative shall issue a signed certificate to the
4 automated speed enforcement system device operator, which
5 shall be admitted as evidence in any court proceeding for
6 a violation involving an automated speed enforcement
7 system device. An automated speed enforcement system
8 device operator shall fill out and sign a daily log for
9 an automated speed enforcement system, which:

10 (A) states the date, time and location of the
11 device setup;

12 (B) states that the automated speed enforcement
13 system device operator successfully performed and the
14 automated speed enforcement system device passed the
15 self-tests specified by the manufacturer of the
16 automated speed enforcement system device;

17 (C) shall be kept on file; and

18 (D) shall be admitted in any proceeding for a
19 violation involving an automated speed enforcement
20 system device.

21 (iv) An automated speed enforcement system device
22 shall undergo an annual calibration check performed by a
23 calibration laboratory. The calibration laboratory shall
24 issue a signed certificate of calibration after the
25 annual calibration check, which shall be kept on file and
26 shall be admitted as evidence in any proceeding for a
27 violation involving an automated speed enforcement system
28 device.

29 (v) The following shall be attached to the notice of
30 violation:

1 (A) A copy of the recorded image showing the
2 vehicle with its license plate visible.

3 (B) The registration number and state of
4 issuance of the vehicle registration.

5 (C) Verification that the automated speed
6 enforcement system was operating correctly at the
7 time of the alleged violation and the date of the
8 most recent inspection that confirms the automated
9 speed enforcement system to be operating properly.

10 (D) The date, time and place of the alleged
11 violation.

12 (E) Notice that the violation charged is under
13 this section.

14 (F) Instructions for return of the notice of
15 violation.

16 (2) In the case of a violation involving a motor vehicle
17 registered under the laws of this Commonwealth, the notice of
18 violation shall be mailed within 30 days after the commission
19 of the violation or within 30 days after the discovery of the
20 identity of the registered owner, whichever is later, to the
21 address of the registered owner as listed in the records of
22 the department.

23 (3) In the case of a violation involving a motor vehicle
24 registered in a jurisdiction other than this Commonwealth,
25 the notice of violation shall be mailed within 30 days after
26 the discovery of the identity of the registered owner to the
27 address of the registered owner as listed in the records of
28 the official in the jurisdiction having charge of the
29 registration of the vehicle.

30 (4) A notice of violation shall be invalid unless

1 provided to an owner within 90 days of the offense.

2 (5) The notice shall include the following text:

3 This notice shall be returned personally, by mail or by
4 an agent duly authorized in writing, within 30 days of
5 issuance. A hearing may be obtained upon the written
6 request of the registered owner.

7 (6) Notice of violation must be sent by first class
8 mail. A manual or automatic record of mailing prepared by the
9 system administrator in the ordinary course of business shall
10 be prima facie evidence of mailing and shall be admissible in
11 a judicial or administrative proceeding as to the facts
12 contained in the notice.

13 (e) Penalty.--

14 (1) IF A PERSON VIOLATES THIS SECTION AS A FIRST <--
15 OFFENSE, THE PERSON SHALL RECEIVE A WRITTEN WARNING.

16 ~~(1)~~ (2) The penalty of a violation under this section <--
17 shall be a fine of \$75 for the first SECOND offense and \$150 <--
18 for the second THIRD and subsequent offenses, and the fine <--
19 shall not be subject to 42 Pa.C.S. § 3571 (relating to
20 Commonwealth portion of fines, etc.) or 3573 (relating to
21 municipal corporation portion of fines, etc.).

22 ~~(2)~~ (3) The fine OR WARNING is not authorized during <--
23 times when the automated speed enforcement work area is not
24 active.

25 ~~(3)~~ (4) A penalty imposed under this section shall not: <--

26 (i) be deemed a criminal conviction;

27 (ii) be made part of the operating record of the
28 individual upon whom the penalty is imposed under section
29 1535 (relating to schedule of convictions and points);

30 (iii) be the subject of merit rating for insurance

1 purposes; or

2 (iv) authorize imposition of surcharge points in the
3 provision of motor vehicle insurance coverage.

4 (f) Limitations.--

5 (1) Recorded images collected as part of the automated
6 speed enforcement system may record only violations of this
7 section and may not be used for any other surveillance
8 purposes. The restrictions provided in this paragraph shall
9 not preclude a court of competent jurisdiction from issuing
10 an order directing that the information be provided to law
11 enforcement officials, if the information is requested solely
12 in connection with a criminal law enforcement action and is
13 reasonably described.

14 (2) Notwithstanding any other provision of law,
15 information gathered and maintained under this section that
16 is kept by the Commonwealth, its authorized agents or its
17 employees, including recorded images, written records,
18 reports or facsimiles, names and addresses, shall be for the
19 exclusive purpose of discharging its duties under this
20 section. The information shall not be deemed a public record
21 under the act of February 14, 2008 (P.L.6, No.3), known as
22 the Right-to-Know Law. The information shall not be
23 discoverable by court order or otherwise or be admissible as
24 evidence in a proceeding except to determine liability under
25 this section. The restrictions provided in this paragraph
26 shall not preclude a court of competent jurisdiction from
27 issuing an order directing that the information be provided
28 to law enforcement officials, if the information is requested
29 solely in connection with a criminal law enforcement action
30 and is reasonably described.

1 (3) Recorded images obtained through the use of
2 automated speed enforcement systems deployed as a means of
3 promoting traffic safety in automated speed enforcement work
4 areas shall be destroyed within one year of final disposition
5 of a notice of violation, except that images subject to a
6 court order under paragraph (1) or (2) shall be destroyed
7 within two years after the date of the order, unless further
8 extended by court order. The department, the Pennsylvania
9 Turnpike Commission or the system administrator shall retain
10 evidence that the records have been destroyed in accordance
11 with this section.

12 (4) Notwithstanding any other provision of law,
13 registered vehicle owner information obtained as a result of
14 the operation of an automated speed enforcement system under
15 this section shall be the exclusive property of the
16 Commonwealth and not the property of the manufacturer or
17 vendor of the automated speed enforcement system and may not
18 be used for a purpose other than prescribed in this section.

19 (5) A violation of this subsection shall constitute a
20 misdemeanor of the third degree punishable by a \$500 fine.
21 Each violation shall constitute a separate and distinct
22 offense.

23 (g) Defenses.--

24 (1) It shall be a defense to a violation under this
25 section that the vehicle was reported to a police department
26 as stolen prior to the time the violation occurred and was
27 not recovered prior to that time.

28 (2) It shall be a defense to a violation under this
29 section that the person receiving the notice of violation was
30 not the owner of the vehicle at the time of the offense.

1 (3) It shall be a defense to a violation under this
2 section that the device being used to determine speed was not
3 in compliance with section 3368 (relating to speed timing
4 devices) with respect to testing for accuracy, certification
5 or calibration.

6 (h) Authority and duties of department and Pennsylvania
7 Turnpike Commission.--

8 (1) The department and Pennsylvania Turnpike Commission
9 shall establish a five-year automated speed enforcement
10 system program not later than 18 months following the
11 effective date of this section.

12 (2) (i) The department and Pennsylvania Turnpike
13 Commission may promulgate regulations for the
14 certification and the use of automated speed enforcement
15 systems.

16 (ii) In order to facilitate the prompt
17 implementation of this section, regulations promulgated
18 by the department and Pennsylvania Turnpike Commission
19 under this section shall be deemed temporary regulations
20 and not subject to:

21 (A) Sections 201, 202, 203, 204 and 205 of the
22 act of July 31, 1968 (P.L.769, No.240), referred to
23 as the Commonwealth Documents Law.

24 (B) The act of June 25, 1982 (P.L.633, No.181),
25 known as the Regulatory Review Act.

26 (C) Section 204 (b) of the act of October 15,
27 1980 (P.L.950, No.164), known as the Commonwealth
28 Attorneys Act.

29 (3) (i) The department and Pennsylvania Turnpike
30 Commission shall serve directly or through a contracted

1 private service as the system administrator of the
2 program. Compensation under a contract authorized by this
3 paragraph shall be based only upon the value of equipment
4 and services provided or rendered in support of the
5 automated speed enforcement system program and may not be
6 based on the quantity of notices of violation issued or
7 amount of fines imposed or generated.

8 (ii) The system administrator shall prepare and
9 issue notices of violation.

10 (iii) Two restricted accounts are established in the
11 State Treasury for fines remitted under this section to
12 the department and Pennsylvania Turnpike Commission,
13 respectively. The system administrator of the department
14 or Pennsylvania Turnpike Commission, if any, shall send
15 an invoice to the department or Pennsylvania Turnpike
16 Commission based, respectively, on the services under
17 subparagraph (i) and the Pennsylvania State Police under
18 subsection (d)(1)(i). The department, Pennsylvania
19 Turnpike Commission and the Pennsylvania State Police
20 shall use the appropriate restricted account to pay for
21 the administration of the pilot program and the system
22 administrator's invoice costs, if applicable. Remaining
23 fines shall be allocated by the department or
24 Pennsylvania Turnpike Commission for the first three
25 years as follows:

26 (A) Forty-five percent of the fines from
27 violations occurring in an automated speed
28 enforcement work area shall be deposited into a
29 restricted account in the State Treasury on a
30 quarterly basis. The Department of Revenue shall,

1 within 90 days of the date of deposit, transfer to
2 the Pennsylvania State Police an amount equivalent to
3 the previous quarterly deposit to be used by the
4 Pennsylvania State Police as follows:

5 (I) Fifty-five percent of the funds shall be
6 dedicated and used for the purpose of recruiting,
7 training or equipping Pennsylvania State Police
8 Cadets.

9 (II) Forty-five percent of the funds shall
10 be dedicated and used to pay for an increased
11 Pennsylvania State Trooper presence in work zones
12 on the State road system managed by the
13 department or the Pennsylvania Turnpike
14 Commission. Funds under this subclause shall be
15 in addition to any contractual agreement between
16 the department or the Pennsylvania Turnpike
17 Commission and the Pennsylvania State Police for
18 enforcement in work zones on the State road
19 system managed by the department or the
20 Pennsylvania Turnpike Commission.

21 (B) Fifteen percent of the fines from violations
22 occurring in an automated speed enforcement work area
23 shall be transferred to the department or the
24 Pennsylvania Turnpike Commission, whichever State
25 road system utilized the automated speed enforcement
26 system, for the purpose of work zone safety, traffic
27 safety and educating the motoring public on work zone
28 safety, at the discretion of the department or
29 Pennsylvania Turnpike Commission.

30 (C) Forty percent of the fines from violations

1 occurring in an automated speed enforcement work area
2 shall be deposited in the Motor License Fund and
3 shall be appropriated by the General Assembly.

4 (iv) Remaining fines shall be allocated by the
5 department or Pennsylvania Turnpike Commission for the
6 last two years to develop a Work Zone and Highway Safety
7 Program. At a minimum, funds from the Work Zone and
8 Highway Safety Program shall be used for improvement
9 projects and countermeasures to improve the safety in
10 work zones and on highways. Funds may also be used to
11 increase awareness of distracted driving and
12 transportation enhancements established under section
13 3116 (relating to automated red light enforcement systems
14 in first class cities).

15 (v) If the amount of funds under subparagraph (iii)
16 (A) is lower than the amount of funds under subparagraph
17 (iii)(A) for the previous fiscal year, funds from the
18 Motor License Fund may not be used to supplement the
19 funds for the current fiscal year. Funding provided for
20 under subparagraph (iii)(A) shall be supplemental and
21 shall not prohibit the Pennsylvania State Police from
22 obtaining additional funding from any other means.

23 (vi) If the five-year program is not extended by the
24 General Assembly, any remaining fines remitted to the
25 department or Pennsylvania Turnpike Commission shall be
26 used as provided under subparagraph (iv).

27 (vii) The system administrator shall provide an
28 appropriate printed form by which owners may challenge a
29 notice of violation and convenient hearing hours and
30 times in each of the following metropolitan areas for

1 challenges to be heard as provided in this section: Erie,
2 Harrisburg, Philadelphia, Pittsburgh and Scranton. the
3 form may be included with or as part of the notice of
4 violation.

5 (4) Not later than April 1 annually, the department, the
6 Pennsylvania Turnpike Commission and the Pennsylvania State
7 Police shall submit a report on the program for the preceding
8 calendar year to the chairperson and minority chairperson of
9 the Transportation Committee of the Senate and the
10 chairperson and minority chairperson of the Transportation
11 Committee of the House of Representatives. The report shall
12 be a public record under the Right-to-Know Law and include:

13 (i) The number of vehicular accidents and related
14 serious injuries and deaths in all work zones and in
15 automated speed enforcement work areas where the program
16 operated.

17 (ii) Speed data.

18 (iii) The number of notices of violation issued.

19 (iv) The amount of fines imposed and collected.

20 (v) Amounts paid under contracts authorized by this
21 section.

22 (vi) The number of hours of Pennsylvania State
23 Police presence in work zones that were provided as a
24 result of the funds under paragraph (3) (iii) (A) (II).

25 (vii) Use of funds under paragraph (3) (iv).

26 (i) Payment of fine.--

27 (1) An owner may admit responsibility for the violation
28 and pay the fine provided in the notice personally, through
29 an authorized agent, electronically or by mailing both
30 payment and the notice of violation to the system

1 administrator.

2 (2) Payment by mail must be made only by money order,
3 credit card or check made payable to the Commonwealth, the
4 Pennsylvania Turnpike Commission or the system administrator,
5 as applicable.

6 (3) Payment of the fine shall operate as a final
7 disposition of the case.

8 (4) If payment is not received within 90 days of
9 original notice, the department or Pennsylvania Turnpike
10 Commission may turn the matter over to applicable credit
11 collection agencies.

12 (j) Contest.--

13 (1) An owner may, within 30 days of the mailing of the
14 notice, request a hearing to contest liability by appearing
15 before the system administrator either personally or by an
16 authorized agent or by mailing a request in writing on the
17 prescribed form. Appearances in person shall be only at the
18 locations and times set by the system administrator.

19 (2) Upon receipt of a hearing request, the system
20 administrator shall in a timely manner schedule the matter
21 before a hearing officer designated by the department or
22 Pennsylvania Turnpike Commission. Written notice of the date,
23 time and place of hearing must be presented or sent by first
24 class mail to the owner.

25 (3) The hearing shall be informal and the rules of
26 evidence shall not apply. The decision of the hearing officer
27 shall be final, subject to the right of the owner to appeal
28 the decision.

29 (4) If the owner requests in writing that the decision
30 of the hearing officer be appealed, the system administrator

1 shall file the notice of violation and supporting documents
2 with the office of the magisterial district judge for the
3 magisterial district where the violation occurred, and the
4 magisterial district judge shall hear and decide the matter
5 de novo.

6 (k) Expiration.--This section shall expire five years from
7 the effective date of this section.

8 § 3370. Pilot program for automated speed enforcement system on
9 designated highway.

10 (a) General rule.--A pilot program is established to provide
11 for an automated speed enforcement system on the designated
12 highway.

13 (1) A city of the first class, upon passage of an
14 ordinance, is authorized to enforce section 3362 (relating to
15 maximum speed limits) by recording violations using an
16 automated speed enforcement system approved by the
17 department.

18 (2) This section shall only be applicable in a city of
19 the first class in areas agreed upon by the system
20 administrator and the Secretary of Transportation using the
21 automated speed enforcement system on U.S. Route 1 (Roosevelt
22 Boulevard) between Ninth Street and the Philadelphia County
23 line shared with Bucks County.

24 (b) Owner liability.--For each violation under this section,
25 the owner of the vehicle shall be liable for the penalty imposed
26 unless the owner is convicted of the same violation under
27 another section of this title or has a defense under subsection
28 (g).

29 (c) Certificate as evidence.--A certificate, or a facsimile
30 of a certificate, based upon inspection of recorded images

1 produced by an automated speed enforcement system and sworn to
2 or affirmed by a police officer employed by the city of the
3 first class shall be prima facie evidence of the facts contained
4 in it. The city must include written documentation that the
5 automated speed enforcement system was operating correctly at
6 the time of the alleged violation. A recorded image evidencing a
7 violation of section 3362 shall be admissible in any judicial or
8 administrative proceeding to adjudicate the liability for the
9 violation.

10 (d) Penalty.--The following shall apply:

11 (1) The penalty for a violation under subsection (a)
12 shall be a fine of \$150 unless a lesser amount is set by
13 ordinance. The ordinance may create fines for first offense,
14 second offense and third and subsequent offenses, but no
15 single fine shall exceed \$150.

16 (2) A penalty is authorized only for a violation of this
17 section if each of the following apply:

18 (i) At least two appropriate warning signs are
19 conspicuously placed at the beginning and end and at two-
20 mile intervals of the designated highway notifying the
21 public that an automated speed enforcement device is in
22 use.

23 (ii) A notice identifying the location of the
24 automated speed enforcement system is posted on the
25 department's publicly accessible Internet website
26 throughout the period of use.

27 (3) A fine is not authorized during the first 30 days of
28 operation of an automated speed enforcement system.

29 (4) The system administrator may provide a written
30 warning to the registered owner of a vehicle determined to

1 have violated this section during the first 30 days of
2 operation of the automated speed enforcement system.

3 (5) A penalty imposed under this section shall not be
4 deemed a criminal conviction and shall not be made part of
5 the operating record under section 1535 (relating to schedule
6 of convictions and points) of the individual upon whom the
7 penalty is imposed, nor may the imposition of the penalty be
8 subject to merit rating for insurance purposes.

9 (6) No surcharge points may be imposed in the provision
10 of motor vehicle insurance coverage. Penalties collected
11 under this section shall not be subject to 42 Pa.C.S. § 3571
12 (relating to Commonwealth portion of fines, etc.) or 3573
13 (relating to municipal corporation portion of fines, etc.).

14 (e) Liability.--Driving in excess of the posted speed limit
15 along the designated highway by 11 miles per hour or more is a
16 violation of this section.

17 (f) Limitations.--The following shall apply:

18 (1) No automated speed enforcement system shall be
19 utilized in such a manner as to take a frontal view recorded
20 image of the vehicle as evidence of having committed a
21 violation.

22 (2) Notwithstanding any other provision of law, camera
23 equipment deployed as part of an automated speed enforcement
24 system as provided in this section must be incapable of
25 automated or user-controlled remote surveillance by means of
26 recorded video images. Recorded images collected as part of
27 the automated speed enforcement system must only record
28 traffic violations and may not be used for any other
29 surveillance purposes, but may include video of the area
30 enforced when triggered by a violation. The restrictions set

1 forth in this paragraph shall not be deemed to preclude a
2 court of competent jurisdiction from issuing an order
3 directing that the information be provided to law enforcement
4 officials if the information is reasonably described and is
5 requested solely in connection with a criminal law
6 enforcement action.

7 (3) Notwithstanding any other provision of law,
8 information prepared under this section and information
9 relating to violations under this section which is kept by
10 the city of the first class, its authorized agents or its
11 employees, including recorded images, written records,
12 reports or facsimiles, names, addresses and the number of
13 violations under this section, shall be for the exclusive use
14 of the city, its authorized agents, its employees and law
15 enforcement officials for the purpose of discharging their
16 duties under this section and under any ordinances and
17 resolutions of the city. The information shall not be deemed
18 a public record under the act of February 14, 2008 (P.L.6,
19 No.3), known as the Right-to-Know Law. The information shall
20 not be discoverable by court order or otherwise, nor shall it
21 be offered in evidence in any action or proceeding which is
22 not directly related to a violation of this section or any
23 ordinance or resolution of the city. The restrictions set
24 forth in this paragraph shall not be deemed to preclude a
25 court of competent jurisdiction from issuing an order
26 directing that the information be provided to law enforcement
27 officials if the information is reasonably described and is
28 requested solely in connection with a criminal law
29 enforcement action.

30 (4) Recorded images obtained through the use of

1 automated speed enforcement systems deployed as a means of
2 promoting traffic safety in a city of the first class shall
3 be destroyed within one year of final disposition of any
4 recorded event except that images subject to a court order
5 under paragraph (2) or (3) shall be destroyed within two
6 years after the date of the order, unless further extended by
7 court order. The city shall file notice with the Department
8 of State that the records have been destroyed in accordance
9 with this section.

10 (5) Notwithstanding any other provision of law,
11 registered vehicle owner information obtained as a result of
12 the operation of an automated speed enforcement system under
13 this section shall not be the property of the manufacturer or
14 vendor of the automated speed enforcement system and may not
15 be used for any purpose other than prescribed in this
16 section.

17 (6) A violation of this subsection shall constitute a
18 misdemeanor of the third-degree punishable by a \$500 fine.
19 Each violation shall constitute a separate and distinct
20 offense.

21 (g) Defenses.--The following shall apply:

22 (1) It shall be a defense to a violation under this
23 section that the person named in the notice of the violation
24 was not operating the vehicle at the time of the violation.
25 The owner may be required to submit evidence that the owner
26 was not the driver at the time of the alleged violation. The
27 city of the first class may not require the owner of the
28 vehicle to disclose the identity of the operator of the
29 vehicle at the time of the violation.

30 (2) If an owner receives a notice of violation pursuant

1 to this section of a time period during which the vehicle was
2 reported to a police department of any state or municipality
3 as having been stolen, it shall be a defense to a violation
4 under this section that the vehicle has been reported to a
5 police department as stolen prior to the time the violation
6 occurred and had not been recovered prior to that time.

7 (3) It shall be a defense to a violation under this
8 section that the person receiving the notice of violation was
9 not the owner of the vehicle at the time of the offense.

10 (4) It shall be a defense to a violation under this
11 section that the device being used to determine speed was not
12 in compliance with section 3368 (relating to speed timing
13 devices) with respect to testing for accuracy, certification
14 or calibration.

15 (h) Department approval.--

16 (1) No automated speed enforcement system may be used
17 without the approval of the department, which shall have the
18 authority to promulgate regulations for the certification and
19 use of the systems which regulations may include the use of
20 radio-microwave devices, commonly referred to as electronic
21 speed meters or radar, or light detection and ranging
22 devices, commonly referred to as LIDAR, in their operations.

23 (2) Notwithstanding any other provision of law, the
24 devices identified in paragraph (1) shall be tested for
25 accuracy at regular intervals as designated by regulation of
26 the department.

27 (i) Duty of city.--If a city of the first class elects to
28 implement this section, the following provisions shall apply:

29 (1) The city may not use an automated speed enforcement
30 system unless there is posted an appropriate sign in a

1 conspicuous place before the area in which the automated
2 speed enforcement device is to be used notifying the public
3 that an automated speed enforcement device is in use
4 immediately ahead.

5 (2) The city shall designate or appoint the Philadelphia
6 Parking Authority as the system administrator to supervise
7 and coordinate the administration of notices of violation
8 issued under this section. COMPENSATION UNDER A CONTRACT <--
9 AUTHORIZED BY THIS PARAGRAPH SHALL BE BASED ONLY UPON THE
10 VALUE OF EQUIPMENT AND SERVICES PROVIDED OR RENDERED IN
11 SUPPORT OF THE AUTOMATED SPEED ENFORCEMENT SYSTEM PROGRAM AND
12 MAY NOT BE BASED ON THE QUANTITY OF NOTICES OF VIOLATION
13 ISSUED OR AMOUNT OF FINES IMPOSED OR GENERATED.

14 (3) The system administrator shall prepare a notice of
15 violation to the registered owner of a vehicle identified in
16 a recorded image produced by an automated speed enforcement
17 system as evidence of a violation of section 3362. The notice
18 of violation must be issued by a police officer employed by
19 the police department with primary jurisdiction over the area
20 where the violation occurred. The notice of violation shall
21 have the following attached to it:

22 (i) a copy of the recorded image showing the
23 vehicle;

24 (ii) the registration number and state of issuance
25 of the vehicle registration;

26 (iii) the date, time and place of the alleged
27 violation;

28 (iv) notice that the violation charged is under
29 section 3362; and

30 (v) instructions for return of the notice of

1 violation, which shall read:

2 This notice shall be returned personally, by mail or
3 by an agent duly authorized in writing, within 30
4 days of issuance. A hearing may be obtained upon the
5 written request of the registered owner.

6 (j) System administrator.--The following shall apply:

7 (1) The system administrator may hire and designate
8 personnel as necessary or contract for services to implement
9 this section.

10 (2) The system administrator shall process notices of
11 violation and penalties issued under this section.

12 (3) Not later than April 1 annually, the system
13 administrator shall submit an annual report to the
14 chairperson and the minority chairperson of the
15 Transportation Committee of the Senate and the chairperson
16 and minority chairperson of the Transportation Committee of
17 the House of Representatives. The report shall be considered
18 a public record under the Right-to-Know Law and include for
19 the prior year:

20 (i) The number of violations and fines issued and
21 data regarding the speeds of vehicles in the enforcement
22 area.

23 (ii) A compilation of penalties paid and
24 outstanding.

25 (iii) The amount of money paid to a vendor or
26 manufacturer under this section.

27 (iv) The number of vehicular accidents and related
28 serious injuries and deaths along the designated highway.

29 (k) Notice to owner.--In the case of a violation involving a
30 motor vehicle registered under the laws of this Commonwealth,

1 the notice of violation must be mailed within 30 days after the
2 commission of the violation or within 30 days after the
3 discovery of the identity of the registered owner, whichever is
4 later, and not thereafter to the address of the registered owner
5 as listed in the records of the department. In the case of motor
6 vehicles registered in jurisdictions other than this
7 Commonwealth, the notice of violation must be mailed within 30
8 days after the discovery of the identity of the registered owner
9 to the address of the registered owner as listed in the records
10 of the official in the jurisdiction having charge of the
11 registration of the vehicle. A notice of violation under this
12 section must be provided to an owner within 90 days of the
13 commission of the offense.

14 (l) Mailing of notice and records.--Notice of violation must
15 be sent by first class mail. A manual or automatic record of
16 mailing prepared by the system administrator in the ordinary
17 course of business shall be prima facie evidence of mailing and
18 shall be admissible in any judicial or administrative proceeding
19 as to the facts contained in it.

20 (m) Payment of fine.--The following shall apply:

21 (1) An owner to whom a notice of violation has been
22 issued may admit responsibility for the violation and pay the
23 fine provided in the notice.

24 (2) Payment must be made personally, through an
25 authorized agent, electronically or by mailing both payment
26 and the notice of violation to the system administrator.
27 Payment by mail must be made only by money order, credit card
28 or check made payable to the system administrator. The system
29 administrator shall remit the fine, less the system
30 administrator's operation and maintenance costs necessitated

1 by this section, to the department for deposit into a
2 restricted receipts account in the Motor License Fund. Fines
3 deposited in the fund under this paragraph shall be used by
4 the department for a Transportation Enhancement Grants
5 Program as established by section 3116 (relating to automated
6 red light enforcement systems in first class cities). The
7 department shall award transportation enhancement grants on a
8 competitive basis. The department may pay actual
9 administrative costs arising from the department's
10 administration of this section. The department may not
11 reserve, designate or set aside a specific level of funds or
12 percentage of funds to an applicant prior to the completion
13 of the application process, nor may the department designate
14 a set percentage of funds to an applicant. Grants shall be
15 awarded by the department based on the majority vote of a
16 selection committee consisting of four representatives of the
17 department appointed by the secretary and four members
18 appointed by the mayor of the city of the first class, with
19 the secretary or a designee of the secretary serving as
20 chairperson. Priority shall be given to applications seeking
21 grant funds for transportation enhancements in the
22 municipality where the automated speed camera system is
23 operated.

24 (3) Payment of the established fine and applicable
25 penalties shall operate as a final disposition of the case.

26 (n) Hearing.--The following shall apply:

27 (1) An owner to whom a notice of violation has been
28 issued may, within 30 days of the mailing of the notice,
29 request a hearing to contest the liability alleged in the
30 notice. A hearing request must be made by appearing before

1 the system administrator during regular office hours either
2 personally or by an authorized agent or by mailing a request
3 in writing.

4 (2) Upon receipt of a hearing request, the system
5 administrator shall in a timely manner schedule the matter
6 before a hearing officer. The hearing officer shall be
7 designated by the city of the first class. Written notice of
8 the date, time and place of hearing must be sent by first
9 class mail to the owner.

10 (3) The hearing shall be conducted pursuant to 2 Pa.C.S.
11 Ch. 5 (relating to practice and procedure) and will be
12 subject to appeal pursuant to 2 Pa.C.S. Ch. 7 (relating to
13 judicial review).

14 (o) Compensation to manufacturer or vendor.--If a city of
15 the first class has established an automated speed enforcement
16 system deployed as a means of promoting traffic safety and the
17 enforcement of the traffic laws of this Commonwealth or the
18 city, the compensation paid to the manufacturer or vendor of the
19 automated speed enforcement system may not be based upon the
20 number of traffic citations issued or a portion or percentage of
21 the fine generated by the citations. The compensation paid to
22 the manufacturer or vendor of the equipment shall be based upon
23 the value of the equipment and the services provided or rendered
24 in support of the automated speed enforcement system.

25 (p) Revenue limitation.--A city of the first class may not
26 collect an amount equal to or greater than 2% of its annual
27 budget from the collection of revenue from the issuance and
28 payment of violations under this section.

29 (q) Expiration.--This section shall expire five years from
30 its effective date.

1 Section 4. The Secretary of Transportation and the Chief
2 Executive Officer of the Pennsylvania Turnpike Commission shall
3 transmit a notice to the Legislative Reference Bureau for
4 publication in the Pennsylvania Bulletin when the automated
5 speed enforcement system is operational along the designated
6 highway work zones under 75 Pa.C.S. § 3369.

7 Section 5. The Secretary of Transportation shall transmit a
8 notice to the Legislative Reference Bureau for publication in
9 the Pennsylvania Bulletin when the automated speed enforcement
10 system is operational along the designated highway under 75
11 Pa.C.S. § 3370.

12 Section 6. This act shall take effect as follows:

13 (1) Except as set forth in paragraph (2), the addition
14 of 75 Pa.C.S. § 3369 shall take effect in 120 days.

15 (2) The addition of 75 Pa.C.S. § 3369(c) shall take
16 effect 60 days after publication in the Pennsylvania Bulletin
17 of the notice under section 4.

18 (3) Except as set forth in paragraph (4), the addition
19 of 75 Pa.C.S. § 3370 shall take effect in 60 days.

20 (4) The addition of 75 Pa.C.S. § 3370(e) shall take
21 effect 60 days after publication in the Pennsylvania Bulletin
22 of the notice under section 5.

23 (5) The following provisions shall take shall take
24 effect immediately:

25 (i) This section.

26 (ii) The remainder of this act.